

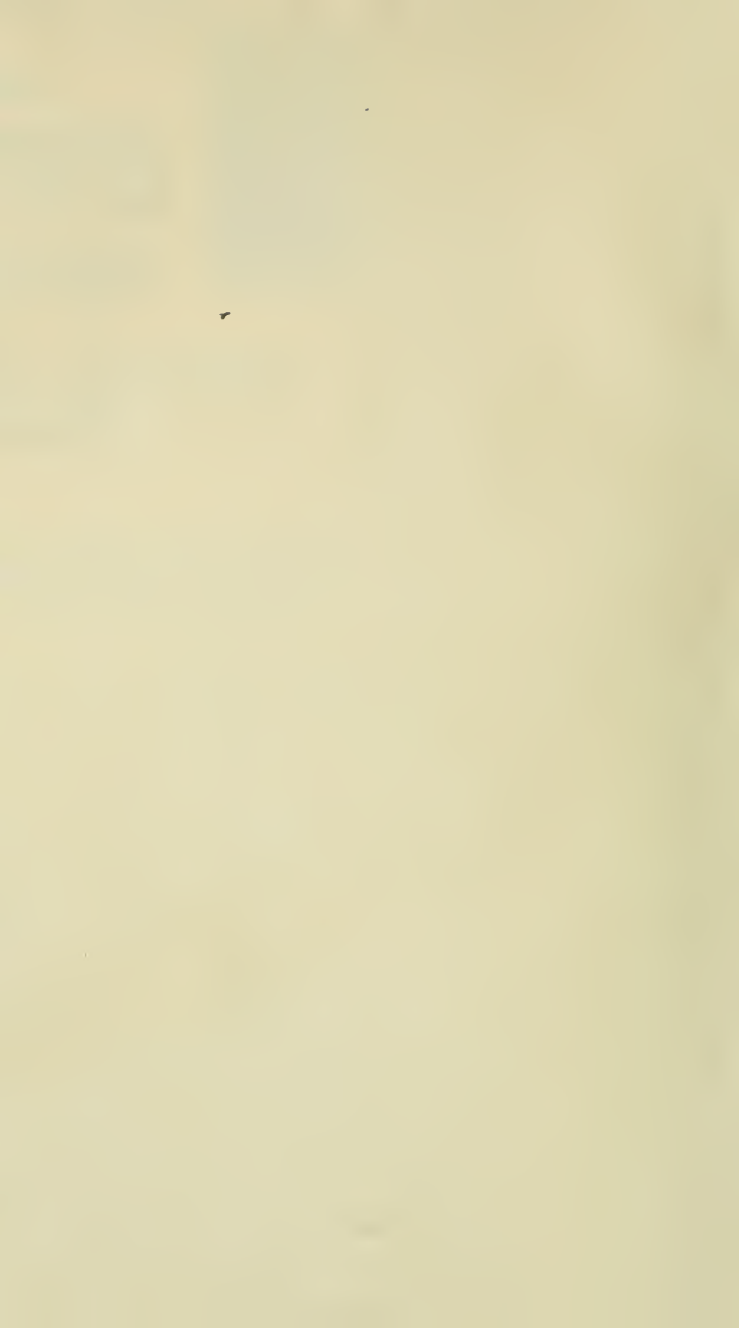
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AN AMPLE  
DISQUISITION

Into the NATURE of

REGALITIES,

AND OTHER

*Heretable Jurisdictions,*

In that PART of

*Great Britain* called SCOTLAND,

AS NOW UNDER THE

CONSIDERATION of PARLIAMENT.

SHEWING,

- I. Wherein the EVIL of them consists.
- II. The Reason why they should be annihilated.
- III. That such Annihilation will be for the mutual Benefit of Both Nations, but more particularly for *Scotland*, and in no Sense a Breach of the Act of UNION.

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Addressed to the Consideration of his FELLOW  
Subjects of SCOTLAND,

*By an* ENGLISH GENTLEMAN.

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L O N D O N,

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T H E

P R E F A C E.

***B**EFORE I enter upon the Argument, it will be extremely necessary to premise, that the Reader must not expect to be treated here with a florid Declamation, formed of studied Words, and fine-turned Periods; it is a Subject of the last Importance to the Welfare and Tranquility of the united Kingdoms; and therefore rather to be reasoned upon with Calmness and Impartiality, than flourished over for the sake of Victory.*

*I confess myself, an Englishman, yet have shewn in various Instances, as I hope I shall do, through the Course of this Work, that there is no Part of the British Dominions, where the Inhabitants are not equally esteemed by me, as much as in England; and from a Principle of Benevolence, which, I hope will attend me to the End of my Days, have ever had, since I knew their State and Condition,*

## THE PREFACE.

*dition, a peculiar Desire to contribute all in my Power towards delivering my poor Brethren in the Highlands of North Britain, from worse than Egyptian Slavery, which I look upon as a Shame and Disgrace to our Constitution, the only free one I know or have heard of in the World, though I am very well acquainted with the Constitutions of Sweden, and of the respective Commonwealths around us. And why any Set of Subjects, who make Part of this happy Constitution, should be excluded from reaping all the Benefits annext thereto, or resulting therefrom, in common with the rest, is beyond my Comprehension.*

*Their Countrymen of the Lowlands, who are equally free and happy with ourselves, pretend, I know not how truly, that the poor Highlanders are bred up so much in Ignorance, and so inured to Slavery under their tyrannic Lords, that they will not thank us for their Redemption. I don't know what they will do ; but am well assured that they will have Reason, and their Generation to come, relish with Pleasure the Felicity of just Liberty. It is said again, That they are indolent, and careless about the Blessings of this Life, and that had they Lands in Propriety, they would not cultivate them to any Effect. I can venture to say, that the wisest, and those who pretend to know them best, may be infinitely mistaken in that Particular. Human Nature is eternally the same, and either through the envying of the Happiness of others, who grow rich by their Labour*  
and



## THE PREFACE.

*and Industry, or natural Ambition to get above one another, will induce any Set of Men to endeavour to better their Fortunes, when the Means is evidently presented before them, and they find it as little Trouble to make themselves easy in their private Fortunes, as to labour upon a bad Scheme, merely for Bread. I could produce many parallel Instances, but it will be sufficient, if I give a near, recent, and notorious one, which is this, The French, in Cardinal Richlieu's Time, if that great Man may be believed, were the most indolent Vagabond kind of People in the World. He inspired them, by Degrees, with a Taste for Commerce; and I wish it could be now shewn, that any Nation had made a better Use of their Time. In a Word, all Nations and People will be idle, when their Labour is found to turn to no account; but the contrary, when they find Riches the natural Result. This will most evidently appear, by the Scots in London, who labour as much, and thrive as well as the English. The Parallel will hold eternally, and as there is no Reasoning against Facts; so neither is it necessary to reason on any other Principle. Let any Man take a Highland Boy and bring him up to Business, as I have known done more than once, and then see whether he wants either Wit or Industry, more than other People. This will shew that their Indolence is not in Nature, but owing purely to their Incapacity to thrive under the Burden of Tyranny and Oppression. For these, and some other Reasons regarding the Welfare of the State, as well as the*  
Hap-

## THE PREFACE.

*Happiness of the Individuals, I have undertaken to act as the Advocate of the Miserable, and in that Light enter upon the Argument, with a Pleasure, not to be excelled by any thing, but the Happiness of seeing them, by the Aid of these my Labours, free as the Constitution is capable of making them, by Reason and Interest, the Enemies of France, and shining in Wealth and Glory, to their latest Posterities.*



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A N  
I N Q U I R Y

Into the N A T U R E of  
Heretable Jurisdctions

In that P A R T of  
*Great Britain* called SCOTLAND.

**T**HE Heretable Jurisdiction, as it now subsists in that Part of *Great Britain* called *Scotland*, I conceive to be exactly on the same Footing, and owes its Origin to the same Source, as ours formerly did before the death of *Richard III.* and *Henry the VII.*'s attaining the Throne of *England*, when Vassalage became so far annihilated, as that the Baron, or Lord of the Fee, lost all Power over his Tenant, other than the Obligation of attending his Courts, and paying certain Fines and Rents agreed on; the Fines, on Deaths or Alienations, directed by Statute not to exceed two Years Rent of the improved Value. This may more plainly appear, by inspecting the *Scotch* Institutes now, and comparing them with the *English* Law-writers formerly on the same Subject. In a word, they were both originally Military Tenures, and the Grants of the Sovereign, who chartered his principal Officers in Lands, and

A Power

Power over his Vassals as to Life and Limb, within each respective Barony : The Sovereign nevertheless retaining the general Jurisdiction, and acting by his Sheriffs, or Judges appointed by Commission, superior to the Baron's Power, which, according to the *Scotch Law*, now stands thus ;

“ Every Heretor may hold Courts, for causing  
 “ his Tenants to pay his Rent ; and, if in feoff *cum*  
 “ *curtis et blooduitis*, he may not only decide betwixt  
 “ Tenant and Tenant in small Debts, but also judge  
 “ of Riots, and such as are guilty of Blood-shed or  
 “ Violence, within his Jurisdiction, (*vide Craig de*  
 “ *feudis, lib. 2.*) though his Land be not erected  
 “ into a Barony. But if his Land be erected into a  
 “ Barony, which only the King can do, he may,  
 “ like the Sheriff, *unlaw* for Bloodwits in 50 *l.* and  
 “ for Absence in 10 *l.* And if he has Power by  
 “ Charters of *Pit and Gallows*, as is generally the  
 “ Case, he has as ample Jurisdiction as the Sheriff ;  
 “ though with this Difference, that the Sheriff can  
 “ judge a Thief upon Citation in any Part of his  
 “ Shrievalty, including the said Barony ; whereas  
 “ the said Baron can only judge him, if he apprehend him in his Barony : And if the Sheriff has  
 “ first cited, or attached the Malefactor, he excludes  
 “ the Baron's Jurisdiction by that Prevention.” *Vide Mackenzie's Institutes, Book the 1. p. 32. of Inferior Jurisdictions.*

Thus it appears, that the Heretable Lord, within his Jurisdiction, may judge of Debts, Riots, and Thefts, and punish by a Power absolute his own Tenants ; which evidently impowers him higher, than even the Sovereign himself is impowered by the present happy Constitution, and consequently makes him very formidable to those who are his Slaves.

There are in *England* inferior Jurisdictions still remaining, who are impowered to act in the same Manner; viz. the Baronies, or Manors, as to Debts to a certain Amount, and some Jurisdictions as to Life and Limb; but these last are not vested in any certain Lords, but in an inferior Justiciary, who are transitory, and at the Will of the Sovereign, which is the Case of the Soak of the City of *Peterborough*, where the *Custos Rotulorum* for the Time being, or his Deputy, is Judge; but even in this Case the Criminal is try'd by a Jury, and has the same Chance for Justice, as if try'd by the general Commissions of *Oyer and Terminer*, for the respective Divisions in *England* and *Wales*. In *Scotland*, the Sheriffs, who have a Jurisdiction superior to the Barons, at least more extensive, are generally hereditary; and I think Appeals, in most Cases, ly to the Lords of Session. But the Barons, I conceive, have Power not only in Life and Limb, but likeways over Infants, as Guardians to their Properties, and the Destinations of their Persons in Marriage, which is not only regal, but in an absolute Sense too, and which the present State of our Constitution can in no Sense endure, since it makes a substitute Jurisdiction superior in Power to the highest Jurisdiction of all. This the *Scotch* Laws call *Casualty of Ward*, as may be seen *Book 2. Title 5*. This was the same in *England*, before the vacating of Vassalage, as is above said; but the Power then reverting to the Crown, as the present Constitution stands, even the Sovereign has no *Casualty of Ward*, other than what is voluntary, as any thing of that Nature is brought into Chancery, where the Affairs of the Minor is taken Care of, if it is apply'd for; but, as I conceive, not otherways the Practice.

These previous Quotations and Remarks will, I hope, contribute sufficiently to banish from Men all  
National



National Prejudices ; will shew them, that our Fellow-subjects in *Scotland* are not on a fair Footing with us ; that the annihilating of these slavish Tenures can only make them free, and convince them of a gross Mistake, generally imbibed by *North Britons*, that we have in *England* still remaining Tenures of the same Nature ; when it is so far from being true, that even the highest Jurisdiction in *England* can have no absolute Power over the Lives and Properties of the People. Every Man here, in every Part of *England*, and upon all Occasions, must be tried by his Peers, who are absolutely his Judges, and may, if they please, determine both as to Law and Fact, in Civil as well as in Criminal Causes : While it is evident, in the Case of the *Northern* Barons and Heretors, that they have a Power as incompatible with Justice as with Liberty, and directly opposed to the Fundamentals of the happiest Constitution in the World ; and consequently to the Happiness and Welfare of a Part of the People, who have as much Right to partake of the general Blessing, as the rest of their Fellow-subjects.

This brings us to consider the Error those Lords are in, who hold these Heretable Jurisdictions, as if, by the Act of Union, their Inferiors had not a Right to reap the Benefits thereof, as well as themselves ; and, while they will not allow the Sovereign to be absolute over them, will insist upon being Tyrants over their Tenants. There is surely no Doubt but this Act intended, that every Subject, without Distinction, should be equally benefited by the Blessing of Liberty. But they quote the Act itself, and therefrom presume it not to be so intended. What they meant, at the first making of it, is readily enough conceived, perhaps, supposing that, while they held their bad Power, they could command Re-  
gard

gard in a particular Manner from their Sovereign, which has in fact proved a Mistake, and, on the contrary, has only been the Cause of the Ruin of many of them ; and, in the Event, may be the Means of rooting out the major Part of their Nobility, who from time to time are weak enough to imagine, that they and their Clans, with some slight Aids from *France*, are a Match not only for their own free and well-affected Countrymen, but also for *England* too, whose Power is a Balance to *France* alone. As this Error has produced a Variety of Mischiefs, needless to be repeated here, I shall consider the Articles of the Union themselves, and attempt to shew, that these Heretable Tyrants are no longer intitled to hold their Power, than while the Legislature thinks it convenient to divest them of it.

I hope they will not dispute this just Maxim with me, That the General Good is to be preferred to Individual Interests ; and that they think so, by almost every Act they join in the making of. My House is my Freehold, which, strictly speaking, none can take from me ; yet if a Bridge is to be built, or a Road made, my house may, by the Power of the Legislature, be pulled down : They will make me an equitable Satisfaction, which, though perhaps not adequate to my Pleasure in retaining that House, yet I can't be in my Senses, and think I am unjustly dealt by ; nor do my Representatives in Parliament think so, or they would not make such an Act. This Principle holds eternally true, in all the King's Dominions ; and then why not in *Scotland* ?

In the next Place, I apprehend, that although our Laws are made by general Consent, they are not like the Laws of the *Medes* and *Persians* unalterable ; every Day's Experience evinces the contrary, and indeed it would be Nonsense to suppose it, unless our Law-makers

makers were infallible. *North* and *South Britain* were, before the *Union*, the Subjects of the same Sovereign ; and the *Northern* only, by the Coalition, made more free and rich : But their Laws and Customs being something different, were by the *Union* rendered as nearly the same as was practicable ; and certainly the nearer we yet unite in the same Interest, the better for the whole. If we proposed to enslave them, it would be another Matter : But surely it is our mutual Interests, that they be rendered equally free with the *English*, which seems to be the only Point aimed at, and only opposed by Individual Interests, which are not to be set in Competition with the Publick Good. This brings us to the very Point ; and the only Question seems to be, Whether every Article of the *Union* ought to be strictly adhered to ? Or, if varied by general Consent, the said *Union* can, in any Sense, be presumed broke ? The material Articles are,

“ XVIII. The Laws of Civil Government to be the same ; but no Alteration to be made in the Laws which concern private Right in *Scotland*.”

“ XX. All Heretable Offices and Jurisdctions, and such as are for Life, to continue as they are in *Scotland*.”

I believe nobody will dispute with me, who have ever considered the Nature and Reason of Government, but that, before the *Union*, the *Scots* Parliament, with the Consent of the Sovereign, could have altered, lessened, or even annihilated, these Heretable Jurisdctions or Offices, or have taken away any private Right, on making equitable Satisfaction ; if so, why not the same Power now ? The Form of the Power being somewhat altered, will make no Difference in the Effect ; and if the *Scots* pretend, they have not a Power equivalent to what they had before the *Union*, by not having all their Nobles,



Nobles, Barons, &c. sit in Parliament ; I will beg leave first to shew, that bringing their now general Interest on a Balance with their particular Interest in *Scotland* before, that they are not only highly advantaged by the Act of *Union*, but have many more Members sit both in the House of Lords and Commons, than equitably they ought, as Legislators over all the King's Dominions.

The Annotator on the *Scotch* Institutes says, " That  
 " their Nobility consists of ten Dukes, three Mar-  
 " quesses, seventy-four Earls, eighteen Viscounts,  
 " forty-five Lords, in all One hundred and fifty,  
 " now represented by sixteen. The ninety Barons be-  
 " fore the Union, now represented by thirty. And  
 " the Burgeses which were sixty-seven, now repre-  
 " sented by fifteen. By which Settlement *North Bri-  
 " tain* or *Scotland*, whose Parliament consisted of  
 " Three hundred and seven Members, besides the  
 " Officers of State and fourteen Bishops, is now re-  
 " presented by sixty-one."---And then concludes,  
*Hinc ille Lachrymæ*, Vid. Book 1. Tit. 3. P. 19.

Now would not one naturally conclude from hence, that the People of *North Britain* had great Injustice done them by the Act of Union ; and I doubt not in the least, but Thousands, who will not give themselves the Trouble to reason and reflect, take such Stuff as this for granted, consequently quarrel with the Union, as if it was some great Unhappiness befallen them. It is now my Business to shew the direct contrary to be true.

By the XXth Article of Union, the Sum of 398085 *l.* 10 *s.* is given as an Equivalent for the Excise, and for all that shall arise above 335000 *l.* The 398085 *l.* to pay the publick Debts of *Scotland*, and the Capital of the *African* and *India* Company, with Interest at 5 *per Cent.* and then to be dissolved.

Thus

Thus all their Debts were discharged, and their Companies dissolved, and then instead of being particularly bound to their own Stock and Capital, they became, if they pleased, Sharers upon a much better Bottom in all the Capitals of *Great Britain*, and had an Equivalent in lieu of future Excises. Let us see next on what Footing or Proportion they were put in relation to the Land-tax.

Article IX. When the Land-tax in *England* amounts to 1,997,763 *l.* the Quota for *Scotland* shall be 48000 *l.* free of all Charges; and proportionably all other Taxes.

This is little more than the forty-first Part of the whole; but if forty-five Members sit in the House of Commons, and sixteen in the House of Peers, they amount to little less than a tenth Part of the whole Legislature. And yet a juster Way of proportioning the Government cannot be better imagined than by the Taxes paid; though I am sensible, that by the Variation of the Course of Trade and other Incidents, this Kind of Calculation does not hold true, even in *England*; but is of singular Advantage to *North Britain*; for let them thrive never so much, and any Part of *England* decay in Trade, as is evidently the Case, the *Scots* will not pay more, nor any Part of *England* less; and I think that nothing is more clear, than that *North Britain* is in a much better Course of Commerce, than before the *Union*.

The next Point to consider on the same Subject is, whether even the Nobility, Barons, &c. are in any Sense injur'd, by fewer representing the whole Body of the *British* Dominions, than in the gross Number representing *Scotland* only. They were before the *Union*, at most, but a Kind of Council to the Sovereign, of a fortieth Part of his Dominions, as to Value, excluding *Ireland*, &c. They have now a tenth Share

in the whole Legislature, with all the Profits and Perquisites of Places, Pensions, &c. They have at least one Officer in ten, in both the Army and Navy; they have, generally speaking, the civil Offices in *North Britain* filled by their Countrymen besides, and not a few in *England*. I have known two at a Time out of seven at the Admiralty-board, and I believe may venture safely to say, That their Perquisites out of the Government arise to much more than the Revenues of *Scotland* pay. If some spend their Money here, it is not usually from their own Estates; or if they did, it would be no more than is commonly done in *London* by the *English* Gentlemen in general. I believe the Face of *Scotland*, since the *Union*, is much changed for the better, that some Families have great Additions to their Estates, and more are doing so every Day; the *Irish* have shewn their good Sense in this Particular, and would be glad of an *Union* on the same Terms; and the Reason of the Thing seems to speak itself, for who would not, in private Life, be at the fortieth Part of the Expence, to reap a tenth Part of the Profits of an Estate; and yet this seems to me to be exactly the Case in relation to the *Union*; and as the *Union* is calculated for the Benefit of *North Britain*, without any Injury to *England*, I see not but that it is a mutual Benefit to both, either directly or politically, and the more it is still made so, the better it must be for the whole united Kingdoms.

I know not, strictly speaking, whether to call the *Union*, an Act or a Treaty; it is a Treaty, as it relates to the two Estates, but an Act only, as it relates to the Sovereign, who cannot treat with his Subjects regularly by the Laws or Customs of either Country; the *Scotch* Lawyers, before the *Union*, say, That the King was absolute in *Scotland*; he is so in *England* to

all worthy Ends. But whether it be an Act or a Treaty, or both, or whatever other Name may be given it, there is nothing more true, than that the same Power that made, can alter it; consequently, is not in Part, or in the whole invariable. The Sovereign did not make it by a simple Power, it was the Legislature of both Kingdoms united with her, and by that same Power only capable of being varied.

I have intimated previously, that the general Good is allowed on all Hands, to take place of private Interest, otherwise there would be no Government, at least, what is the same Thing, it could not operate to the great End, which is the mutual Benefit of the Community. There is no Dispute now, that the late Rebellion, and all the bad Consequences flowing therefrom, had their Source in the tyrannic and unlimited Power of the Heretable Lords; and if all of them did not concur therein, it matters little; there were enough concerned to execute so much Mischief, as naturally calls for Prevention for the future, which is either to be taken care of in Time, or we are liable to similar Inconveniencies eternally; and while no Injury is propos'd thereby to any body, but an adequate Satisfaction to those who have a Right to it, and to others the Sweetness of Liberty by public Consent, it is in vain for this or that Heretable Lord to pretend he is injur'd, because he is in this Respect levelled with Rebels. It is the Power that made the Rebel, and the same Power that made one so To-day, may make another so To-morrow, since it is not Papists, but Protestants too, that have been weak enough to act the Part of Rebels; and for ought that we can see, a very little Affront is sufficient to forfeit a Man's Allegiance in that Country, else had not Lord *Lovat*, of all Men living, engaged in so pernicious an Affair. I will not pre-  
sume



sume against any Person on this Occasion ; but I am clear in this, that if a Band of Robbers infested the Country about my Estate, and the Legislature found it necessary to cut down my Woods in order to prevent it, making me Satisfaction ; if I opposed this, though I loved my Woods never so well, I could not take it ill, if I was esteemed a Partner with them in their Crimes ; on the other Side, could not in any Sense look upon myself as deemed a Party, because other People committed Crimes, for which it was necessary that my Estate should be laid open to prevent them.

The Reason why every Heretable Lord in *Scotland* desires to preserve his Power, when full Satisfaction is made him for the resulting Profits and Perquisites, must either be from a Design to co-operate with others to the Prejudice of the State, when he finds it convenient ; or merely that he may continue to be revered by a Number of poor unhappy Slaves. If the first, then will no body dispute the Necessity of his being unbaroned : If the last, as the remaining Power is but nominal, the annihilating, or perhaps only reducing it to the same Level, with other Manours in the King's Dominions, which I confess have yet a Power in them quite incompatible with the Dignity of the Crown, and Rights and Privileges of the Subject, as the Lords do not only hold Courts for the special Business of their Manours, which are called Courts Baron, or others for enquiring into Nuisances, &c. called Courts Leet, but also holds Courts of Jurisdiction independent of those, wherein Debts are litigated ; and I know one Manour, where the Lord Paramount holds one Court, and the Lord of the Manour another, to the same bad Purpose. These are a Kind of Jurisdictions within Jurisdictions, in Fact to the fourth Degree, *viz.* the King's immediate

diatē Courts of Assize, the Sheriff's Jurisdiction, the Lord Paramount, and the Lord of the Manour; from whence flows infinite Evils. I take these Lords Paramount, to have had originally the same Power as the Lords of Regality in *Scotland* have now: Which by some grants, if the *Scotch* Lawyers say true, are independent of the King's Courts, and the Lord of Regality is defined to be, "One who has  
 " the Land whereof he is Proprietor or Superior,  
 " erected with a Jurisdiction equal to the King's  
 " Justices in criminal Cases, and to the Sheriff in  
 " civil Causes. He has also Right to all the Move-  
 " ables of Delinquents and Rebels within his own  
 " Jurisdiction, whether these Moveables be within  
 " his own Regality or not." *Which last Article I*  
*think is the same in many Parts of England; and, if I*  
*mistake not, claim'd by the High Bailiff of Westminster,*  
*in particular.*

"The Lord of Regality has besides, by his Erection, Power to repledge from the Sheriff, and even from the King's Justices, except in Treason, and Pleas of the Crown; That is to say, to appear and crave, that any dwelling within his Jurisdiction, may be sent back to be judged by him. He is indeed in such Case obliged to find Caution, that he shall do Justice upon the Malefactor within a Year and a Day, whom he repledges, which is called *Culreack*. There is a great Variety in these Regalities, as they happen to be constituted, and as they are laic and ecclesiastic." Vid. *Institutes*, Book 1. p. 29, 30. and *Mackenzie's Treatise on Criminals*, Part II. Tit. 11. Sect. 6, 7.

These Powers, Rights, Regalities and Jurisdictions owe their Origin to the Kings of *Scotland* when absolute, but the Regality cannot be granted now, without Consent of Parliament. And what is very  
 strange,

strange, that while the *Scotch* Lawyers say, *That the King is supreme over all Persons, and in all Causes, as well Ecclesiastick as Civil*, as appears by the same *Institutes*, Book 1. Title 3. that Causes cannot be advocated from the inferior Jurisdictions, even upon Reasons of manifest Iniquity, by Act 9. Parl. 1663, but is somewhat varied from Ss. 16. and 17. of the Act 16. Parl. 1672. concerning the Regulation of the Sessions.

From hence it appears, that the *Scotch* Parliament, when they pleased, could vary the Power of these inferior Jurisdictions, if in this Light they may be so called; yet would dispute, whether they can do it now they are united with the *English* Parliament; which is a Solecism in common Sense, and carries with it a Notion of perpetuating Power, in Opposition to the Legislature; and by such Notion, if it will hold, these granted Jurisdictions are equal to the King and Parliament in one Light, and superior and distinct in another, as being absolute, which the King is not: So that in fact these Lords of Regality are Sovereigns, not Subjects; a Thought our Constitution abhors. And this Power is evidently not imaginary, because it has appeared to be as the Lawyers say, as is witnessed by recent Facts; since he who can command his Clans, on Pain of Death, to take up Arms against the Sovereign and Legislature, is surely himself a Sovereign to all Intents and Purposes; independent of that Sovereignty under which he is specially protected. Which is a Power that no Subject ought to be Master of; it was that which, while it continued, occasioned so many Civil Wars and Bloodshed in *England*, and has since, even within these forty Years, been the Cause of several Rebellions. And therefore, though divers Lords in the same Situation may not have rebelled, it matters not; they have the  
Seeds

Seeds of Rebellion hid in their Power ; and as they may spring up, on some Occasion or other, hereafter, Experience has taught us to know the Necessity of annihilating them, without Exception.

For my Part, I must beg Pardon for my Presumption, but can't help saying, that the Legislature must forget themselves dreadfully, if they let this Session pass, without striking at the Root of this Evil, as well for the Safety of the State in general, as of the poor unhappy People of *Scotland* in particular ; and let the Expence, occasioned by giving the Heretable Lords Satisfaction, be what it may, it will hardly pay the Interest of the Damage sustained both in publick and private, by only the late Rebellion, exclusive of all others.

A People united together in the same Interest, and under the same Sovereign, will find it extremely difficult to make it appear, that what is the Fountain of so much Mischief can, in any Sense, be beneficial to *Scotland* more than to *England* ; and if it is found to be contradistinct to the Interest of both, surely both ought to concur in fully putting an End to it for the future. In Cases of this Nature, the *Scots* must first feel the Evil, but the *English* eventually ; they that feel it first ought not to be the last in providing against it, nor suffer themselves to be imposed upon or cheated by any silly National Distinctions, which none but designing Knaves propagate, nor any but the weakest Men are deceived by. I have observed some villainous Attempts of this kind lately ; but as Men are returned to their Senses again, the aiming to enfeeble the Bands of Government, by introducing National Distinctions, have met with their merited Contempt, and the Author, though writing on both Sides of the Question, marked out and distinguished as a worthless wicked Fellow.



One of the principal Views in making the Act or Treaty of *Union*, was to assimilate our Affections, as well as to unite our Interests, and consequently to distinguish *Scotland* from *England*, only as we now do *Wales*, merely for Distinction sake. It would have aided us, both in Point of Unity and Affection, if our Laws could have been the same too. Not that I recommend our own in Practice, whatever they merit in Principle; but it would be of singular Use, if they were new-modelled, and served both Nations indifferently. But I conceive it extremely hard upon our *Scotch* Fellow-subjects, if these Regalias and Heretable Rights, vested in a few Persons, should so far distinguish us from one another, that Multitudes of them should be absolute Slaves, while we are the freest People in the World. This can't be the Basis of Affection and Unity, but rather of Enmity and Dissention; since Men, condemned to so terrible a State as perpetual Slavery, must look with a very evil Eye on their Fellow-subjects, who are not only free, but by means of that Freedom rich and happy. But it is very hard upon the *English*, who particularly desire the *Scots* should be as free as themselves, and yet remain the Objects of their Envy and Ill-will, while their own Lords, whose only Purpose it is to continue them their Slaves and Vassals, poor, helpless and miserable, are by them respected and honoured, not to say adored. If this arises from Fear of their Power, surely the Legislature, who have more Power, tho' not so abused, ought to be sought after as their Sanctuary. The *Scots*, who are generally esteemed a prudent and sensible People, can't help discerning the Difference between Freedom and Slavery, between the honest disinterested Views of the Legislature, and the interested dishonest Views of their Lords: The Legislature only seeks to put them in the same Con-

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dition with themselves, to make them free and happy ; their Lords only aim at keeping them in Subjection, making them the Slaves of their absolute Will, dragging them out into Rebellions, and sacrificing them to their Lusts and Fancies, forcing them upon having their Throats cut, or on being hanged or transported abroad, while even their Success could not in any Sense have bettered their Fate ; their Lords would only have been greater Tyrants, but they Slaves still : They are at best only made use of as a kind of Foot-stools, for their Lords to mount to Dignity and Grandeur upon, or as Asses to bear their Burthens, obliged to live on worse Food than they would give their Horses if they were free, and dragging on through a Life of Indolence and Inattention to the great End of Nature, perpetuating Slavery and Misery to their Posterity.

They have Spirits made for better things, and Activity suited to any Purpose of the Creation ; yet is it seen, that where Freedom reigns triumphant, and Industry is propagated and encouraged, the dullest and most stupid Creatures live better than they. A Man, who only goes to *Billingsgate* in a Morning, gets more Money in a Day, than their tyrannic Lords will suffer them to earn in a Month : When there is evidently before them a finer Market than *Billingsgate* to thrive in ; a Fishery that carries Millions annually into *Holland*, and would, by a due Course of Industry, bring equal Profits to them. Their Lands would by this Means become finely manured, Houses would be built, Gardens planted, their Families would be well fed and clothed, and Affluence flourish in every Corner of their now waste and neglected Country ; the natural Result of happy Freedom, under the Protection and Encouragement of a

Constitution,

Constitution, that glories in nourishing all its Constituents without Distinction.

Those who have examined into the Nature and Genius of Commerce, can behold all the Advantages at one View, and every generous Mind takes a Pleasure in procuring them for others as well as for themselves: And, if Generosity were quite out of the Question, sensible Men see plainly an Interest arising from a Circulation of Trade, that while it stimulates the lower Rank of People to industrious Pursuits, it improves as it rises gradually from hand to hand, and every Man is proportionably bettered by it in his Fortunes; and as it enriches the Community, so it strengthens and fortifies the State, and distinguishes the Crown with singular Dignity and Lustre.

The Increase of Commerce in the *North*, every judicious Man knows, will rather add to, than diminish from that in the *South*. The Metropolis always will be the great Centre of Business, whereto a large Proportion of the Commonwealth must flow; but then it emits it again around, and, by the foreign and domestick Credit of its Merchants, is the common Support of all other Trading Places, which upon the Credit of the Metropolis improve their own Wealth. The Country about each Trading Place evidently feels the Benefit of this general Circulation, by the improved Value and ready Sale of their Products; this encourages Manufactures, Cultivation, and other kinds of industrious Pursuits, which brings Wealth to the Purse, and consequently a happy Provision for a rising Posterity.

Notwithstanding all this is evident as Light, what a different Scene do we behold, when viewing the *Highlands of Scotland*, where nothing appears about us but Desolation and Misery, and a numerous Body of People, though Subjects of the most flourishing

Kingdom in *Europe*, living so mean and pitifully as is hardly to be credited ; and purposely kept so much in Ignorance of the Road to Wealth, as that they have not any other Idea of acquiring it, than by Rapine and Plunder, which looks as if Part of the united Kingdom was purposely allotted for the harbouring of Thieves and Vagabonds, who, like wild Beasts from a Forest, issue out occasionally to seek their Prey, which they effect without that Consciousness of Evil which customarily attends the human Mind, and guards it against such pernicious and fatal Consequences. The *Lowlanders* are hereby not only rendered unsafe in their Properties, as of their transient Goods, which they might sometimes afford to lose ; but are by the bad turned Minds of those who are at the Head of these unhappy People, obliged doubly to guard themselves, not only against the Clans as public Thieves, but their Superiors likewise, as professed Enemies to our happy Constitution, as Leaguers with the common Enemy, and whose Views are to raise themselves on the Ruins of Liberty ; that carry Chains in one Hand, and Pistols in the other, and can with a kind of supreme Authority, command the Aid of their Slaves in the Pursuit of every wicked and villainous Scheme.

• If these Men had a Prince born among them, and educated in the Precepts of Liberty and the Art of governing Men by the Rules of Law and Justice, though his Claim was as distant and idle, as the Person they would fain raise to the Crown, it would be no great Wonder at their engaging in his Interest ; but in attempting to introduce one here, an *Italian* born, with all the Nonsense and Absurdity of Priestcraft in his Head, a bigotted superstitious Papist, trained up in the Principles of arbitrary Power, Destruction and Blood, we have only to conclude, that  
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the Intention of the Adherents directly coincided with the Principal, whom they aided merely to enlarge their own Power and plunder the South, by a kind of pretended Authority, as they had previously done the North, under the Cover of their Heretable Regalities; which makes the Necessity of dissipating that Power, to prevent the like Inconveniencies for the future. And I think, if Reason be of any Force among us, it could never be better employed than in so just and necessary a Procedure.

All Agreements amongst Men that are to stand the Test of Time, must shew, in the Event, that they are mutually beneficial. Acts of State must not be made on the Principles of Trick and Chicane; if any of the Articles of *Union* bear hard upon the *Scotch* Nation, they ought to be altered; and I conceive there can be no Doubt, but the Reason is stronger for the altering them, when mutually detrimental to both Nations. No body supposes the Persons infallible that first made them; every Law, Act or Treaty, must be proved by the Test of Experience; when that evinces its Defects, who, in their Senses, will doubt the Necessity of its Amendment, otherwise every Mistake would be permitted to improve into a downright Evil, which has really been the Case in the Articles relative to the Heretable Jurisdictions, and therefore necessary to be amended, lest it grow beyond Redress.

The Fautors of Heretable Jurisdiction say, That unless this Article had been admitted, the *Union* had never been made; I believe so too; I hope they will not infer likeways that it would have been admitted, if the Consequences that has since resulted from it, had been foreseen: For if they who made it on the *Scotch* Side intended any such Event, they could not mean to establish an *Union* between the two Kingdoms; 'tis  
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idle to suppose it. They did not foresee the ill Use liable to be made of Heretable Jurisdctions, or that Regalities would be the constant Source of Rebellion, much less could the *English* foresee it, who were not so well acquainted with their Nature as the *Scotch* Nobility. The true Reason of making the *Union*, on the Part of *England* at least, was merely to avoid being disturbed by intestine Enemies. That they had no other View, is evident as Light ; they could not gain any thing by it but the Blessing of Tranquility ; and if that End is not answered, what matters the making of the *Union* to *England*? So that those mistaken *North Britons*, who cry out, *Hinc illæ Lachrymæ*, with the Annotator above quoted, either complain of the *Union* as an Impediment to their pernicious Views of creating Confusion amongst us, or they are talking to the Winds, and in either Light, I should think truly merit our Disregard.

I am sensible that the main Body of the People of *Scotland* think with me, because not bias'd by such Prejudices. They are sensibly enough acquainted with the Difference between their Situation now, and what it was when the Duke of *York* presided over them, when tyrannic Power ruled them with a Rod of Iron ; and however pitifully minded they may be in the *Highlands*, by being inured to Slavery, the Inhabitants of the *Low Countries* have as just Notions of Liberty as any of their Neighbours.

I shall now give the Argument quite another Turn, by considering whether these same Heretable Lords are not directly opposing their own Interest, by aiming to impede an Alteration in the Act of *Union*. Experience has always evinced, and common Sense will always shew, that it is not in the Nature of Men to labour purely for others: It is a Punishment like that feigned by the Ancients of *Sisyphus* rolling a  
Stone

Stone up a Precipice, which before it reached the Top, its own Force tumbled it down again; in a Word, it is an Emblem of Men busied to no End or Purpose, which must ever be the Case, when no adequate Fruit is to arise from Labour. I shall suppose then, that an Heretable Lord enjoys an Estate, with Regality, worth to him 3000 *l. Sterling* a Year, which some Circumstances peculiar to that Estate, as Woods, Mines, &c. produce to him, without any great Aid of his Tenants; and has besides large Quantities of vacant Land which produces nothing, but what Nature absolutely supplies, and may just contribute to rear a few Cattle. This same Land, duly cultivated, would most probably in a few Years double the Rent, which the Lord, purely for the sake of Power, impedes. It has been seen that of late Years, many large Tracts of Land, formerly uncultivated, now turn to very good Account; the Reason whereof is notorious and evident, that they have become so by the Industry of the Husbandman, and that Industry had its Foundation in the View of Profit. But before a Man will attempt this, he must be in some Degree Master of the Land he cultivates, either as his Freehold, or by Copy or Lease, for a proper Term of Years, at an easy Rent; in which Case, when his Time expires, the same with its Improvements reverts to the Landlord, whose Fortune is thereby proportionably augmented. But this can never be the Case in slavish Tenures, nor is there perhaps a single Instance in all *Scotland*, where any Estate has been significantly improved, but where free Lettings have been practised, nor can it be reasonably expected. Nor is the Culture of the Ground for Corn or Pasturage alone to be considered in this Case; Manufactures, which still improve more highly the Lord's Estates, are the natural Consequence of Freedom and

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Property, either temporary or perpetual; here Industry begins its Course, and if the Tenants reap great Profits therefrom, the Lords upon the whole reap greater, besides that most sensible Pleasure of a benevolent Mind, which arises from the seeing of every body thrive about him, at the same Time that he perceives the whole flourish principally and eventually for his Emolument: Surely this must excel any narrow sordid Taste a Man can have, for seeing Numbers of Slaves and Beggars awaiting his arbitrary Nod, and the Country round him a Scene of wild Waste and Sterility.

There are some few Articles independent of Cultivation, though that would naturally follow the others, which might, if begun upon a right Principle, make *Scotland* a rich and flourishing Country. As *first*, the Fishery before mentioned, which would not only employ a great Number of Hands as Mariners, but as Shipwrights, Ropemakers, and various other Handicrafts immediately dependent thereon, both in the Iron and Wooden Way; it would likewise make a Number of merchantable Dealers necessary, and consequently fill the Sea-ports in the *North* with trading People; this would likewise encourage Inland Cultivation to provide for those People, and produce a good Market for the Vent of what should be raised.

Next an Iron Manufacture, where Wood, Coal, and Labour, would be all cheaper than in any other Part of the *British* Dominions, and consequently the Manufacturers enabled to undersell any other Market.

The Linen Manufactures are already got to some Head, and would flourish exceedingly, were the same propagated in the *North*, which they can never be, but by an Ability to undersell the *German* and *Dutch* Markets,



Markets, which surely would be the Case, if experimented with Judgment.

The *Scots* object their Want of Money ; but such Objection was never yet of any Force, where it appeared that People were honest and in earnest. *London* always did, and ever will supply Money freely, when it is made clearly appear, that the advancing of Cash will turn to any Account. The Merchants are all ready enough to seize any Opportunity of advancing their Fortunes, let the Object appear in any Part of the *British* Dominions. But they will never attempt it while the Regalities subsist, and these petty Lords are Judges in their own Jurisdictions. Such Power is an absolute Bar to all kind of Commerce, nor will any body under such Power be significantly trusted, though of themselves never so honest or industrious ; nor, on the same Principle of Reasoning, can the Lords Estates be improved. And as every Improvement tends to the publick Emolument, those Improvements can't be made in the present Situation of things, were Rebellions quite out of the Question ; the Good of the Community seems to require, that these Jurisdictions be laid open. And then, whether the *London* Merchants found it their Interest to engage with them or not, Means might be very readily found for establishing a Bank, capable of carrying such Views into Execution. At worst, it would be only like an industrious Man, just out of his Apprenticeship, without ample Means to set up with, he must trade on a small Stock, which Diligence and Application would gradually raise ; and such has been the Basis of more opulent Fortunes in *England*, than a Flow of Wealth at the Beginning, which is but too apt to make young People forget themselves, and by minding their Pleasures more than Business, is the common Cause of their Ruin. There are few people acquainted

acquainted with the Busy World, but what know these Remarks to be true, and that the best Families, at least the richest, and many of the noblest too, have rose from very mean Beginnings, of which I could name Numbers.

Considering the *North of Scotland*, then, in the Light of a poor Man, at Liberty to begin the World, without an adequate Bottom, stimulated by Industry, Diligence and Sparing, I see not why the Body of the People there, with such good Materials to work upon at home, and such good Markets as they have to go to, both in *Britain* and abroad, can possibly fail of Success. The *Scots* must be allowed Prudence, Diligence and Frugality; they shew it wherever they go, and in every thing they do. A Prospect of Wealth and Plenty would naturally create Industry, which having once taken Root, would flourish in that Climate, as well as in any I know. Wealth creates necessities, or at least a Desire of Superfluities; this is the true Spur to Industry, whether by a natural Tendency to Ambition, an Envy of others shining superior, or the mere desire of being easy and out of the Reach of Want; and I believe nobody will be so idle as to suppose, that the *Highland Scots* are less susceptible of such Stimulations than other People. Every reasoning Man knows, that our Desires arise from visible Objects, and consequently that we can have but few Desires, where the Objects that create them are but few; this is what is meant, if any thing, when People idly say, that the *Scots* are Enemies to Labour and Industry, when they only want those Objects presented before them, which are the Springs of Industry; and so long as that is the Case, they ever will be idle; but the Difference would soon appear, on a Change of Circumstances. I would ask any Man in his Senses, if they

can believe, that suppose a Set of Manufacturers or Husbandmen, from *England*, were to take up their Residence in the *North of Scotland*, and flourished there, the *Scots* would not be stimulated thereby, to endeavour to throw themselves into the same Situation? Could they bear to see those thrive, without aiming at it themselves? But if they neither see, nor have any Idea of the Good resulting from such industrious Pursuits, they may very well remain idle, but can't justly be reflected on as Enemies to Industry. They are in this Light like Men with their Hands tied behind them; and what between the Tyranny of their Lords, and their Ignorance of the good Effects of Industry, it is no Wonder that People, who rather talk than reason, judge so wrongly about them.

If we but reflect a little on the Establishment of our foreign Plantations, we shall see Cause enough to mourn at the Folly of Men, who run all over the World, to search after the Means of employing their busy Heads and Hands, while they neglect the same thing at home; and are cultivating vast Tracts of Land abroad, while half their own Country lies waste, which would better answer the Ends of their Pursuits, if these wicked Jurisdictions did not interfere, and frighten them from attempting it.

It is hardly to be believed, that Men would go abroad, in Search after new Habitations, if they could find their Account in staying at home; in particular those, who are obliged to leave the Kingdom, through unhappy Circumstances. The little they preserve, with their natural Industry, might be the Means of making *Scotland* a rich Country in due Course of Time, and I conceive is a Hint not to be neglected; if the laying the Jurisdictions open be previously effected, as there are many besides who

retire to *France*, and spend their Fortunes there. The *North* of *Scotland* would certainly be a more beneficial Asylum, both regarding the Parties, and the Good of one's Country, which suffers much by the wrong Turn of our Laws, and the Number of Fugitives who daily leave it. It is fairly computed, that at least 5000 *l.* a Year is spent at *Bulloigne sur Mer*, the Money all drawn from hence; and this done by Men who would have staid at home, if the Nature of our Laws could have permitted them. Every Person that goes to the Plantations carries off something, when that returns again is very uncertain; I shall make no Calculation of our Loss this Way, perhaps it may not be any; but am pretty sure, that what is carried over to *Holland*, 20,000 *l.* a Year will not compensate. The *Scotch* Gentry, of the younger Branches, go into foreign Service, for Want of suitable Employment at home, which a Currency of Trade would supply; this gives them a military Turn, in no Sense beneficial to a Commercial State. Now, were all these things considered and applied, any apt Genius, who has Power and Good-will for his Country, might turn them all to a fine Account. If only two Principles were rightly pursued, the one to establish Property on fair Terms, the other a local Law to prevent, within certain Limits, any Man being arrested for Debt; Men, whom Necessity drives to an Asylum, would naturally prefer the *North* of *Scotland*, with a Prospect of new Beginning on a clear Bottom, to either *France*, the Plantations, or *Holland*. To *France*, because of their Civil and Religious Rights, being liable to be every Day invaded. To the Plantations, because many have a terrible Notion of going so far from home; and others, for the Convenience of a more known and intimate Correspondence. To *Holland*, because not only Trade

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is too much beaten in that Country, but also that the *Dutch* are generally speaking too frugal for *Englishmen*, to trade among to any Purpose, and the Lands too dear to be meddled with. Hence obviously arises a Prospect of Wealth to *Scotland*, from the Failings and Mistakes of their Neighbours, and which every Legislator, who had any Genius or Extent of Imagination, would apply to the publick Emolument. The Benefit to the *North of Scotland* would be double, as their Youth would by this Means be trained up in the Rudiments of Trade and Industry, and Wealth brought to them to encourage and support it. Nor would I have my Fellow-subjects mistake this View, by imagining, that the *English* Fugitives, on account of Debts, are the idle Part of the *English* People: They are usually Men of Genius and Industry, whose Spirits for Scheming have been too quick for their Judgments; bold Adventurers, formed for the establishing of infant Colonies, and making Men of more Prudence rich and happy; such as are much wanted in *Scotland*, to give Life and Spirit to Commerce, where the natural Disposition of the People requires some of those warmer Stimulations, wherewith the scheming Heads of *South Britons* are capable of inspiring them. Climate is no Obstruction to Trade, as has been in former Times sufficiently evidenced, in the Case of the *Hans* Towns, and particularly of the Town of *Wisbuy*, in the Gulph of *Finland*, that traded upon a Footing equal, if not superior to all *Europe* besides, yet seated in a Climate much colder than any Part of *Scotland*, and having no such Bank as *London* to begin upon, nor the Advantages of a Fishery at home, or of so general a Mart for Goods abroad; without Mines, Wood or Coals; in a word, with nothing but mere Skill and Industry: As likewise *Archangel*, before the Seat of Trade was removed

ved to *Petersburg*; and *Petersburg*, &c. now. Yet will not any body in their Senses pretend, that the *Scots* are a less sagacious, or a more sloathful People, than either the *Swedes* or *Russians*. And as they have many Advantages to set out with, preferable to either of these, how must they be wanting to themselves, and how much those who govern to their Country, if the *North* of *Scotland* is suffered for the future to ly waste and barren? Half the Money the late Rebellion cost the Government, independent of other Evils, would make *Scotland*, with good Management, a rich and flourishing Country; and the Benefits arising therefrom will vest chiefly in the Landlord, tho' supposed but merely Lord of the Fee, independent of Regalities, &c. And this will appear in the truest Light, when the Nature of our Estates in *England*, are compared with those in the *Highlands* of *Scotland*, relative to the resulting Emoluments to the respective Landlords. The Difference of Improvement nobody in their Senses will dispute, nor is the Reason less evident. Since the Improvement of Lands first depends on the Labour and Skill of the Husbandman, and next on Trade, which gives Encouragement to Labour and Skill, which in the Case of Vassalage can never happen, for the Reasons before mentioned, nor consequently can the Lord of the Fee improve his Estate significantly; and then the Question will only be, whether it is better for the Lord himself, independent of any other Regards, to be a Tyrant over Beggars, and himself poor; or to have every body about him in happy Circumstances, and himself rich and opulent?

I am sensible how this must affect a benevolent Mind; and a Reasoner, who can divest himself of a little false Pride, must likewise see, that this kind of self-acquired Opulence is infinitely preferable to the  
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being Court-pensioners, or of imagining that they are in any Sense a Check upon the Government, which perhaps is the home-point, and which has indeed cost us some Money, but has at the same time brought Destruction on the unhappy Delinquents. And if People can be absurd enough to imagine, that any Power, which has the least Regard to its own Support and Safety, will suffer them to hold Jurisdictions which are abused to every kind of Evil, or that they have in any Sense a Right to hold them in direct Opposition to the Peace of the Community, they must never have considered the first Principles of Government, nor considered that their own Wills are to be the last things regarded by a State. When Individuals can be benefited or raised to Power, without Prejudice to the Publick, 'tis very well; but the Instant those Interests clash, the Investitures should subside. Government may mistake, but must never want Power to regulate Mistakes, when found to be such, else is all Government a Dream, and Power a Jest; and whoever sets up Rights as invariable, can have no other Notion of either Government or Power. I mean not hereby a Power of the Government doing just what they please, but merely a Power to do what's evidently just and right; and if this be not a just Power, I know no Sense nor Meaning in Government.

After all, I can't help saying, but I sincerely wish, that if it should be the Pleasure of the Legislature to resume these Jurisdictions, that if it only seems hard upon the Lords, I could wish them to be amply satisfied, and their Country, by the same Bill put in an obvious Way of Thriving, for the future Benefit of their Families, and am apprehensive that 40000 *l.* extraordinary, rightly apply'd, and put into skilful and honest Hands, would in a few Years  
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give a new Turn to the Face of that Country; but, as there certainly requires great Wisdom in the Conduct of such an Affair, if it be approved of, Favour or Affection, or personal Regards to the deprived Lords, should be the last Things thought of; because if the End, either through Ignorance or Venality, should not answer the Intent, it will shew as if the Change had been made to no Purpose; for so long as the People continue poor, they will be in Effect the Slaves of their Lords, though the Jurisdictions are removed. It is therefore necessary to mend their Situation, at the same time they are made free, by sowing the Seeds of Skill and Industry among them, and enabling them to husband, and fish with Spirit, which a capital Stock to begin upon, and skillful People to instruct them, can only effect. The *Scotch* have certainly as much Right to this as the Colony of *Georgia*, and that it will probably answer a much better End, I conceive, will appear very clear. And perhaps much more than the building of two Towers to *Westminster Abbey*, which can answer no End in Nature, but a Whim, that the Church makes a better Figure so dress'd, a Point, if it be any, that the Public have nothing to do with.

I do not mean to reflect on what has been done, but only would shew that there is some Difference between making a great Number of our Fellow-subjects happy, and the making of a Church fine, which was full as well before. And this Consideration grows upon us, when improved by another, which is that we are not merely proposing to make a certain Number of People happy, but at the same time to remove the like Number from being our Enemies, and converting them into good Subjects and valuable Neighbours, which is a double Gain, and what the building of a thousand Church-towers could never procure



procure for us, nor perhaps if we peopled all *America*. I could name Abundance more Particulars, wherein the publick Money has been employed to worse Purposes, not unlaudably neither, yet in no Sense equivalent to what is here proposed ; nor will it perhaps be amiss here to add, That it is seldom known, that People in a thriving Way ever rebelled, unless notoriously oppressed, or expected so to be by arbitrary Power, gradually usurping upon their Rights, and threatening imminent Destruction to their just Liberties and Properties. When a rich Man's House is attacked, the Aggressors may call it Rebellion to defend it ; but I would distinguish between opposing unjust Power, and attempting to overthrow a Government conducted with Justice and Lenity. Thus the Rich always oppose Tyranny, and the Necessitous aim to establish it ; the one for the sake of enjoying what they have ; the other for the sake of mending their Circumstances, by the robbing of other People. Hence it is plain, that Wealth is the Basis of Peace, and the sure Preservation of just Liberty ; on the contrary, Poverty the Mine that springs under the Foundation of Liberty, and overthrows the beautiful Superstructure ; from whence it seems evidently to follow, that the grand Concern of Men in Power should be to encourage a laudable Industry in every Corner of the *British* Dominions for their own sakes, which is perhaps more involved in the Welfare of the Community, than they may happen to think worthy Regard. The mere raising of great Estates of a Sudden, at the Hazard both of their Lives and Reputations, is the Effect of a very narrow Mind, and a Consideration in no Sense adequate to the Welfare of a whole People. I am but too sensible of what has been done of late, and what strange Principles imbibed, but they are great Strangers

Strangers to the Motives of the late Rebellion, who don't know, that the Rebels laid their greatest Stress of Success on our Corruption and Effeminacy; nor were they wholly mistaken in their Judgments, they were only deceived in a balancing Incident, by conceiving that all who wrote or talked against this general Corruption, would join with them in rooting of it out; not considering that their Aid was from a wrong Quarter, and introductory of worse Evils, *viz.* Oppression and Tyranny. Here lay the Statesman's Barrier, the People preferred the lesser Evil to the greater, and by preferring Fools to Knaves, united to save the Nation. Thus Self-preservation became the Guard of Folly, and by a very interesting Consideration saved those they despised. Wherefore it seems absolutely necessary, that those who were weak enough, to hazard with their own the Ruin of the Nation, should recollect themselves so far, as either by encouraging of Industry in the *North*, to damm out all future Evils of the like Nature, or behave themselves so in the *South*, that there may be no Pretence for committing them. A very moderate Degree of Policy would instruct them in the Necessity of this Alternative, and Men with truly right Heads, will soon see the Necessity of both. A bad Minister is but in a little better Situation than a *Turkish Basha*; the last the Sovereign may deprive at his Pleasure; the first has a whole People to contend with. Ill-gotten Gains is equally insecure to either; and though one Man, who had the Advantage of many valuable personal Qualifications, went fairly off, they may be much mistaken who presume on the same Success. Our Fellow-subjects in *Scotland* are to be as much esteemed as any other, while they only unite in the rooting out of Corrnption; when they proceed farther, they are to be carefully guard-

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ed against; and if the making of them easy and happy wont effect that End, preferable to Force, I confess I have, in a great Measure, lost the End of these my Labours. In a Word, every Man is to judge for himself; I lay not these Maxims down as peremptory, and if I only find that they are in any Sense the Means of giving Birth to better digested Designs, I shall look upon my Time as agreeably spent. And if I have the Happiness to see the *Highlands* of *Scotland* flourish, by the laudable Means here proposed, or by any better considered, I shall esteem it much superior to a new Conquest.

I shall beg Leave to conclude my Remarks on this Subject, by one which I hope the interested Parties will excuse me making, since without it, all the Impediments to the End proposed may not be duly obviated: It is this, whether all the Persons claiming Regalities or other Heretable Jurisdictions, or at least some of them, may not find it difficult to make out their Titles, and consequently be deprived of the Benefit of any Satisfaction, on their being resumed? To this I can only answer, as to my Opinion, that a Title is customarily good, as to their Right in Lands, being possessed of them Time immemorial, or for a certain long Term of Years unclaimed; but that no Time or Term will support an Usurpation of Jurisdiction against the King. The first I conceive the Legislature will not interfere in; and as to the last, the King could resume without the Aid of the Legislature, consequently there can be no Injury done the Subject, unless the destroying of Usurpations can be so presumed. Men can expect no Satisfaction, for what they have no Right to; and therefore, where particular Persons oppose this good Design, should it prove abortive, I hope, and don't doubt

but the Exchequer will enquire, by what Authority they hold their respective Jurisdictions; and consequently how far their Acts and Judgments have been heretofore legal? And as perhaps this Remark may open a new Subject to reason upon, I shall here for the present leave it.

*F I N I S.*





